

Appl. No. : 10/735,413
Filed : December 12, 2003

REMARKS

This amendment supplements the document entitled "Response to Office Action Dated September 11, 2007," filed March 11, 2008 as a submission accompanying a Request for Continued Examination. Claims 1, 3-13, 20-22, and 41 were before the Examiner for consideration. In this Amendment, Claims 1, 6, and 20 have been amended, Claim 46 has been added, and no claims have been canceled. No new matter has been added with these amendments. Accordingly, Claims 1, 3-13, 20-22, and 41-46, are pending for further consideration.

Interview with the Examiner

Applicant wishes to thank the Examiner for conducting telephonic interviews to further discuss the present application. A summary of the telephonic discussion is presented herein in the section entitled "Summary of Interview." During the telephonic interviews, it was agreed that the claims presented herein patentably distinguish the prior art of record.

The Schweich Device

Schweich relates to a catheter having inflatable structures for creating lumens attached thereto. In an arrangement illustrated in Figures 9, 9a, and 9b of Schweich, a generally cylindrical balloon assembly is formed of "an outer polymer cylindrical sheath 72 and an inner polymer cylindrical sheath 74 intermittently sealed to one another at areas 76." (Col. 12, lines 44-47).

FIG. 9

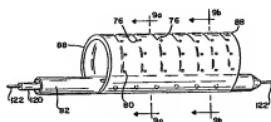


FIG. 9a

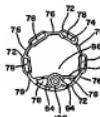


FIG. 9b



The outer sheath 72 contacts the vessel wall and forms "containment pockets" "between adjacent areas where the outer sheath contacts the vessel wall." (Col. 13, lines 4-7). Holes 80 are formed in the outer sheath 72 to deliver a drug directly to the vessel wall. (Col. 13, lines 2-3). Schweich discloses that the cylindrical balloon assembly of Figures 9, 9a, and 9b achieves containment of the drug in that it "provides good separation of the drug from the blood flow lumen." (Col. 13, lines 42-43) Accordingly, blood flow is not provided between the outer sheath 72 of Schweich and the vessel wall.

Regarding Amendments to the Claims

Applicant has amended Claims 1, 6, and 20 to further define the claimed scope of the present application. It was agreed that these amendments distinguish Claims 1, 6, and 20 from the prior art of record.

Claims 3-5, 41, and 46 depend from Claim 1 and recite further limitations thereon. Claims 7-10 depend from Claim 6 and recite further limitations thereon. Claims 21-22 depend from Claim 20 and recite further limitations thereon.

The Examiner indicated that Claim 11 also patentably distinguished the prior art of record. Claims 12-13 depend from Claim 11 and recite further limitations thereon.

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CONCLUSION

In light of the above, Applicant respectfully submits that all of the pending claims are allowable. Applicant respectfully request the Examiner issue a Notice of Allowability at the Examiner's earliest convenience.

Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, John F. Heal at (949) 721-7615 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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